



Joseph  
Cosentino/R2/USEPA/US  
03/28/2006 01:23 PM

To Joe Rotola/R2/USEPA/US@EPA, Thomas  
Budroe/R2/USEPA/US@EPA  
cc James Haklar/R2/USEPA/US@EPA  
bcc

Subject Fw: Bayonne Barrel and Drum site

Attached below are questions the NJDEP have raised concerning the proposed actions at the Bayonne Barrel and Drum Site.

It is not that they disagree, its more confusion caused by the lack of consistency in the interpretation and application of applicable regulations.

— Forwarded by Joseph Cosentino/R2/USEPA/US on 03/28/2006 12:57 PM —



Stephen Kehayes  
<Stephen.Kehayes@dep.state.nj.us>  
12/06/2005 04:42 PM

To Joseph Cosentino/R2/USEPA/US@EPA  
cc  
Subject Fwd: Bayonne Barrel and Drum site

Joe, FYI - the author of this email to Dan Kraft of EPA is Kevin Schick, a Bureau Chief heading my tech support unit.

>>> Kevin Schick 12/6/2005 1:32 PM >>>

Hello Dan, the Bayonne Barrel and Drum site in Newark is undergoing an EPA removal action and is in the NJDEP Brownfields program. It has come to my attention that a developer is working on a work plan and risk assessment to leave PCBs onsite up to 500 ppm with commingled dioxin. It is estimated that the PCB removal above 500 ppm will result in residual dioxin to about 80 ppb. The developer is hoping to begin construction of a big box warehouse or other large commercial structure in about 6 months and is requesting rapid turn around times for DEP reviews.

I would assume that they are working on a risk assessment in support of requesting your groups approval of a risk-based disposal option under CFR 761.61(c). It is my understanding that they are already discussing this issue with EPA management and have a general acceptance of their approach. I don't know if this is through the Removal Action Branch or your group, but I have some questions.

Would the development of a site with a risk-based approval of levels up to 500 ppm for such a structure meet the definition of low occupancy under TSCA or would the risk-based approval be for the higher number and for the high occupancy future use? Looking back at the initial Berlex Labs risk-base approval the low occupancy stipulations required a cap, fence, signs and a deed notice allowing no development within 50 feet of the area. I get asked low/high occupancy

future use and applicable PCB level questions on a daily basis and tell people the number is 10 ppm PCB maximum unless they get a determination from EPA that the future use meets your low occupancy requirements. Since the developer does not intend to segregate the more highly contaminated PCB levels in a containment area (ex. under parking lot) I would normally say that the proposed development on PCBs as high as 500 ppm is not acceptable.

The final issue deals with the dioxins. The PCBs are being used as the driving contaminant of concern and a risk-base approval of the 500 ppm level for PCBs would remove the highest levels of both PCBs and dioxins (hundreds of ppb range dioxins), leaving about 80 ppb dioxin. How does your group deal with such a commingled waste in terms of off-site disposal and the onsite potential risk-based approval.

Your input on these issues would be greatly appreciated. Thanks.

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